

CITY COUNCIL
CITY OF WICHITA
KANSAS

City Council Meeting
9:00 A.M., April 4, 2006

City Council Chambers
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the February 28, 2006 regular meeting

AWARDS AND PROCLAMATIONS

- Proclamations
 - Fair Housing Month
 - Child Abuse Prevention Month
 - School Volunteer and Partner Recognition Month
- Distinguished Service Citation.

PUBLIC AGENDA

1. Peggy Ridge-Social worker advocate for the mentally ill.
2. Randolph C. Cabral-Manufacturing and maintaining of technical equipment used for the purpose of producing Braille materials, technical support of said equipment and sales and distribution.

CONSENT AGENDA

3. Report of the Board of Bids and Contracts Dated April 3, 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;
authorize necessary signatures.

4. Applications for Licenses to Retail Cereal Malt Beverages:

<u>Renewal</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
Paul A. Eck	Family Home Association*	3202 West 13 th Street
Troy Hendricks	Auburn Hills Golf Course*	443 South 135 th Street West
Ricky D. Morey	Morey's Deli & Keno*	3316 South Broadway
Lan Thy Ta	Kim Huong Restaurant*	1015 North Broadway
<u>Renewal</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
Edward J. Roitz	Fleming Convenience	3935 North Broadway
Kashf A. Khan	Phillips 66 on West Street	802 North West Street
Stephen Diehl	Dillon Store #81	13415 West Maple
Ly Ngoc Thi Nguyen	Thai Binh Supermarket	1530 West 21 st Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and
approval.

5. Preliminary Estimates:

- a) Drainage Hot Spots Improvements at 505 N. Rock Road to serve Woodlawn East Addition - west of Rock Road, north of Central. (468-84076/660507/854117) Traffic to be maintained during construction using flagpersons and barricades. (District II) - \$42,500.00
- b) Drainage Hot Spots Improvements at 119th Street West to Lark - east of 119th Street, south of Kellogg. (468-84084/660505/854115) Traffic to be maintained during construction using flagpersons and barricades. (District IV) - \$36,698.90
- c) Water Distribution System to serve Casa Bella Addition - north of Pawnee, west of 127th Street East. (448-90113/735296/470967) Does not affect existing traffic. (District II) - \$105,000.00
- d) Lateral 2, Main 5 Cowskin Interceptor Sewer to serve Harvest Ridge Addition south of 31st Street South, west of Maize. (468-83660/744174/480862) Does not affect existing traffic. (District V) - \$166,000.00
- e) Lateral 7, Main 5 Northwest Interceptor Sewer to serve Liberty Park 2nd & 3rd Additions - south of 13th Street North, east of 135th Street West. (468-83730/744175/480863) Does not affect existing traffic. (District V) - \$243,000.00

(Item 5 continued)

- f) Storm Water Drain #280 to serve Country Hollow Addition - south of Kellogg, east of 127th Street East. (468-84113/751413/485304) Does not affect existing traffic (District II) - \$780,000.00
- g) Storm Water Drain #276 to serve Casa Bella Addition - north of Pawnee, west of 127th Street East. (468-84073/751414/485035) Does not affect existing traffic. (District II) - \$685,000.00
- h) Lateral 2, Main 6 Cowskin Interceptor Sewer to serve Turkey Creek Addition - north of Pawnee, west of 119th Street West. (468-83819/744173/480861) Does not affect existing traffic. (District V) - \$258,000.00
- i) Water Distribution System to serve Reed's Cove 4th Addition - south of 21st Street North, east of 127th Street East. (448-90173/735307/470978) Does not affect existing traffic. (District II) - \$76,000.00
- j) Storm Water Drain #275 to serve Falcon Falls Addition - north of 45th Street North, west of Hillside. (468-84067/751412/485303) Does not affect existing traffic. (District I) - \$1,024,000.00
- k) 2006 Contract Maintenance Asphalt Street Repairs and Slurry Seal - west of Webb Road, south of 37th Street North. (472-84377/132719/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, IV, V) - \$657,799.70
- l) Storm Water Drain #278 to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (468-84092/751418/485309) Does not affect existing traffic. (District V) - \$770,000.00

RECOMMENDED ACTION: Receive and file.

6. Deeds and Easements:

- a) Public Utility Easement dated January 20, 2006 from Dillion Real Estate Co., Inc. over a tract of land lying in portions of Lots 4 and 5, Block 1, Rockwood Center 2nd Addition to Wichita, Sedgwick County, Kansas. (OCA #607861). No Cost to City.
- b) Drainage and Utility Easement dated March 10th, 2006 from Via Christi Regional Medical Center. Inc., a Kansas not for profit corporation over a tract of land lying in a portion of Lot 1, Block 1, Via Christi Regional Medical Center, Inc. Addition, to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City
- c) Utility Easement dated February 14, 2006 by Tommy Thompson and Sally Thompson, husband and wife, over a tract of land lying in Lot 6, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- d) Sanitary Sewer Easement dated February 14, 2006 by Tommy Thompson and Sally Thompson, husband and wife, over a tract of land lying in Lot 7, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- e) Sanitary Sewer Easement dated March 20, 2006 from Merle W. Souders and Carolyn R. Souders over a tract of land lying in the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744140). No Cost to City.
- f) Sanitary Sewer Easement dated January 20, 2006 from Gerald R. Ferguson, Trustee of the Gerald R. Ferguson Trust and Mary E. Ferguson, Trustee of the Mary E. Ferguson Trust over a tract of land lying in the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744140). No Cost to City.

(Item 6 continued)

- g) Sanitary Sewer Easement dated January 25, 2006 from James L. Orange, a single person and Janice E. Hammer, a single person, over a tract of land lying in the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744140). No Cost to City.
- h) Sanitary Sewer Easement dated February 7, 2006 from Kenneth D. Smith and Lois M. Smith over a tract of land lying in the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744140). No Cost to City
- i) Sanitary Sewer Easement dated January 25, 2006 from Jose J. Garcia and Deborah M. Garcia over a tract of land lying in the Southwest Quarter of Section 12, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas (OCA# 744140). No Cost to City.
- j) Sanitary Sewer Easement dated February 27, 2006 from Marcia H. M. Meier and Larry R. Meier over a tract of land lying in Lot 5, Block B, MeEvoy Addition, Sedgwick County, Kansas (OCA #744131). No Cost to City.
- k) Sanitary Sewer Easement dated February 27, 2006 from Karen I. and George J. Smith over a tract of land lying in Lot 4, Block B, MeEvoy Addition, Sedgwick County, Kansas (OCA #744131). No Cost to City.

RECOMMENDED ACTION: Accept documents.

7. Minutes of Advisory Boards/Commissions:

Wichita Public Building Commission, fourth quarterly meeting, December 21, 2005
District VI Advisory Board, January 9, 2006
Board of Code Standards and Appeals, February 6, 2006
Board of Park Commissioners, February 13, 2006
Housing Advisory Board, February 15, 2006
Wichita Public Library, February 2006
District III Advisory Board, March 1, 2006
Wichita Employee's Retirement Board, March 15, 2006

RECOMMENDED ACTION: Receive and file.

8. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

9. Report on Claims Allowed for 2006:

<u>Name of Claimant</u>	<u>Amount</u>
Brake, Larry	\$85.07
Klutts, Michael	\$822.40
Leslie, Edye	\$528.86
Loveland, Bill	\$150.22
Ontiveros, Carrie	\$133.18**
Rose, Dallas	\$300.00
Winqvist, Deborah	\$535.00

** Settled for lesser amount than claimed.

RECOMMENDED ACTION: Receive and file.

10. Agreements/Contracts:

- a) Sculpture Maintenance Contract.
- b) Respread Assessments: Fox Ridge Addition, north of 29th Street North, between Maize and Tyler. (District V)
- c) Street Resurfacing Project on Kellogg from Webb Road to the east city limits. (District II)
- d) Construction engineering and staking in Casa Bella Addition, north of Pawnee, west of 127th Street East. (District II)-supplemental.
- e) Water Master Plan Update-Supplemental.
- f) Electrical Repair Service-Selection of Vendor.
- g) Agreement to respread assessments: Reed Commercial and Reed's Cove Third Additions, south of 21st Street North, east of 127th Street East. (District II)
- h) Construction Engineering and staking in Fontana Addition, east of 119th Street West, north of 29th Street North. (District V)-supplemental.
- i) Agreement with the Kansas Department of Transportation for improvement to I-135/US-54 Interchange and I-135 from Lincoln to Harry. (District I)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Design Services Agreements:

- a) Shadow Woods Addition, west of 135th Street West, north of Maple. (District V)
- b) Harvest Ridge Addition, west of Maize, south of 31st Street South. (District IV)
- c) Auburn Hills 16th Addition, south of Maple, east of 151st Street West. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

12. Change Orders.

- a) 29th Street North Improvement, between Maize and Tyler. (District V)
- b) Street Paving in Oak Creek Addition, south of 21st Street, west of Greenwich. (District II)

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

13. Acquisition of land and Development of site for Explosive Disposal Facility.

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

14. Sale of Surplus Land in the 6500 Block of west Central. (District V)

RECOMMENDED ACTION: Approve the Real Estate Purchase Contracts and authorize the necessary signatures.

15. Consolidated Plan-2006/2007 One-Year Action Plan.

RECOMMENDED ACTION: Authorize the public comment period for the proposed 2006/2007 One-Year Action Plan to begin on April 5, 2006 and end on May 6, 2006.

16. HOME Program; Housing Development Loan Program Funding and Re-allocation of Funds.

RECOMMENDED ACTION: Approve the recommended HDLP allocations and the recommended HOMEownership 80 allocations and authorize the necessary signatures.

17. Approval of Bond Counsel Contract.

RECOMMENDED ACTION: Approve the contract and authorize the necessary signatures.

18. Sidewalk Repair and Sidewalk Cleaning Assessment Program. (Districts I, II, III, VI)

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinance on first reading.

19. Equus Beds Aquifer Storage and Recovery Project, (Phase 1).

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

20. Settlement of Litigation.

RECOMMENDED ACTION: Authorize payment as a full settlement of all possible claims arising out of the events, which are the subject of the litigation.

21. Second Reading Ordinance: (First read March 28, 2006)

a) A06-10R-generally located east of 127th Street East, between Harry and Kellogg. (District II)

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas. (A06-10)

RECOMMENDED ACTION: Adopt Ordinance.

OLD BUSINESS

22. Water Supply Projects.

RECOMMENDED ACTION: Approve the expenditures; adopt the amended resolution and authorize the necessary signatures.

UNFINISHED BUSINESS

23. Eaton Place Repayments. (District I)
(Deferred March 28, 2006)

RECOMMENDED ACTION: Accept the repayment terms and authorize the Mayor to sign the appropriate documents.

NEW BUSINESS

24. Public Hearing and Issuance of Industrial Revenue Bonds, Prairie Villa at Beacon Hill, LLC. (District I)

On February 8, 2005, the City Council approved a Letter of Intent to issue IRB's in the amount of \$4,700,000, to Prairie Villa at Beacon Hill, L.C. ("Prairie Villa"). The company is requesting the issuance of Industrial Revenue Bonds in the amount not-to-exceed \$4,700,000.

RECOMMENDED ACTION: Close the public hearing and approve first reading of the Bond Ordinance authorizing the execution and delivery of documents for the issuance of Industrial Revenue Bonds in an amount not-to-exceed \$4,700,000, and authorize the necessary signatures.

25. Comprehensive Compliance Report.

The City of Wichita provides various financial incentives to attract and encourage business expansions. These include Industrial Revenue Bond (IRB) financing, Economic Development Tax Exemptions (EDX), CDBG loans and grants and HOME funding.

RECOMMENDED ACTION: Receive and file the Comprehensive Compliance Report.

26. Pawnee Improvement between a point approximately 650 feet west of Palisade and Broadway. (District III)

On October 18, 2005, the City Council approved a project to improve Pawnee, between a point approximately 650 feet west of Palisade and Broadway. An amending ordinance has been prepared to increase the project budget.

RECOMMENDED ACTION: Approve the revised budget; place the amending ordinance on first reading and authorize the signing of State/Federal agreements as required.

27. Petition to realign McCormick between Leonine and Southwest Boulevard. (District IV)

On April 13, 2004, the City Council approved a petition to relocate McCormick along the north perimeter of the Newman University Campus. An attempt to award a contract within the budget set by the petition was not successful. Newman University officials have submitted a new Petition with an increase budget.

RECOMMENDED ACTION: Approve the new petition; adopt the resolution and authorize the necessary signatures.

28. 11th Street Bridge at the Drainage Canal. (District I)

The 2005-2014 Capital Improvement Program (CIP), adopted by the City Council includes a project to improve the 11th Street Bridge at the Drainage Canal. District I Advisory Board sponsored a January 9, 2006 neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

29. Public Hearing on Proposed Assessments for twenty-two water projects, twenty-one sewer projects and thirteen storm sewer projects in July 2006 Bond Sale Series 786.

The City Council was notified on February 14, 2006 that the proposed assessment rolls were on file for public inspection in the Department of Finance.

RECOMMENDED ACTION: Close the public hearing; approve the proposed assessments and place the ordinances on first reading.

30. Hillside Street Bridge at Gypsum Creek, south of Range Road. (District III)

The 2005-2014 Capital Improvement Program (CIP) adopted by the City Council includes a project to improve the Hillside Street Bridge at Gypsum Creek. District III Advisory Board sponsored a March 1, 2006, neighborhood hearing on the project. The Board voted 9 to 0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the project; place the ordinance on first reading and authorize the signing of State/Federal agreements as required.

31. Assistance to Firefighters Grant Program.

The FY 2006 Defense Authorization Act authorized the Federal Department of Homeland Security, Federal Emergency Management Agency (FEMA), to make \$539,550,000 in grant monies available to fire departments.

RECOMMENDED ACTION: Approve the grant application and authorize the necessary signatures.

32. Comprehensive Housing Policy.

In August 2004, the Housing Authority Board participated in a planning retreat and agreed on the need for a comprehensive housing policy for the City of Wichita. That review revealed that the Policy and Goals are complementary and consistent.

RECOMMENDED ACTION: Adopt the 2006 Comprehensive Housing Policy.

33. Letter of Intent to Provide Fire Protection Services to the City of Eastborough. (District II)

The City of Eastborough has requested the City of Wichita to provide fire protection services. Eastborough has proposed that the City of Wichita and the City of Eastborough enter into a contract that provides for such fire protection services in return for which the City of Eastborough will pay the City of Wichita a fee equivalent to 11 mills for each dollar of assessed valuation with the City of Eastborough.

RECOMMENDED ACTION: Approve the letter of agreement; direct the law department to negotiate a contract with Eastborough consistent with the Letter of Intent if Eastborough is successful in detaching from the Sedgwick County Fire District and authorize the Mayor to execute the Letter of Intent and any contract drafter pursuant to such Letter of Intent.

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

* Consent Items

34. *DR2006-03-Request for a Street Name Change from Jardine Drive to Opportunity Drive. (District I)

RECOMMENDED ACTION: Approve the street name change and place the ordinance on first reading.

35. *PUD2005-00004-Creation of the 21st Street Kids and Family Empowerment Planned Unit Development with four parcels. Generally located 1/8 mile north of 21st Street North, east and west of Jardine Drive. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the PUD with a height increase from 35 feet to 50 feet on Parcels 3 and 4; place the ordinance on first reading and instruct staff to publish the ordinance;
Or
2) Return the application to MAPC for reconsideration.

36. *ZON2005-00058-Zone Change from Two-family Residential to Neighborhood Office. Generally located west of Oliver Avenue at the northeast corner of Central and Crestway. (District I)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and deny the zone change based upon the findings contained in the staff report; or
2) Return the application to the MAPC for reconsideration.

37. *CUP2006-00003-DP256 Amendment #2-Minor Amendment to The Collection Community Unit Plan to reduce a building setback. Generally located at the southeast corner of K-96 and 21st Street North. (District II)

RECOMMENDED ACTION: 1. Concur with the findings of the MAPC and approve Amendment #2; or
2) Return the application to the MAPC for reconsideration.

HOUSING AGENDA

NOTICE: The City Council is meeting as the governing body of the Housing Authority for consideration and action on items on this Agenda, pursuant to State law, HUD, and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

*Consent items.

Inafay Grays-McClellan, Housing Member is also seated with the City Council.

38. *2006 Utility Allowances-Section 8 Programs.

RECOMMENDED ACTION: Approve and adopt the utility allowances to be effective May 1, 2006 for new clients and current clients at their next recertification dates beginning August 1.

CITY COUNCIL

39. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

Workshop to follow